UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,200	04/21/2005	Lukasz Wlodarczyk	09669/065001	8767

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EXAMINER
MAI, THIEN T

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/532,200	WLODARCZYK, LUKASZ
	Examiner	Art Unit	
	Thien T. Mai	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 April 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _13-16_ is/are allowed.

6)☒ Claim(s) _1-3 and 6-12_ is/are rejected.

7)☒ Claim(s) _4 and 9_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 April 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _7/2005_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Acknowledgement

1.   Acknowledgement is hereby made of the preliminary amendment filed 04/21/2005.

Claims 1-16 remain under prosecution and are presented herein.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign
country or in public use or on sale in this country, more than one year prior to the date of
application for patent in the United States.

3.   Claim(s) 1-3, 6-8, 10-13, 16 is/are rejected under 35 U.S.C. 102(b) as being anticipated

by Deo (US 5,594,227)

        Re claim(s) 1-3, 6-7, 10, and 16, Deo discloses a method for protecting a portable object

against denial of service type attacks, said portable object comprising a memory 22, 24, 26, 40

(Fig. 2) where a computer program is stored and at least one credential in the form of a

password is stored (col. 5 line 11+), each credential being associated with a service, the method

comprising: verifying that an entity requesting the service is an authorized entity for accessing

the service, based on an algorithm (Fig. 7) involving the at least one credential, delivering the

requested service only when the verification step succeeds, blocking the at least one credential

associated with the service, and if the verification step fails, waiting for a waiting duration before

allowing a new verification; wherein the duration can be a constant (claim 2) or a variable (claim

4). See col. 9, lines 1+, Fig. 7.

        Re claim(s) 8, the fail count is decremented after a success attempt; the fail counter is

reset to initial value when a first attempt fails and a second attempt with matching password; if

the fail counter reaches an intermediate value of "1", a two-second delay is imposed, and the

access is still blocked even if the fail counter reaches a maximum fail counter value or credential

blocking value.

Re claim(s) 11-12, the decrementing/incrementing a counter can be done either before

or after a logic inside a conditional statement, which is described in col. 6 lines 45-48 that "It is

noted that the delay can be conducted before the delay count is incremented, in which case the

first delay period will be 2^0 or 1 second."

Re claim(s) 13, the fail counter is decremented each time the password is entered

correct during the delay duration while the service being denied due to previous unsuccessful

attempt(s) and the fail counter is reset to its original value when fail count is zero and verification

succeeds.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claim(s) 5 and 15 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over

Deo (US 5,594,227) in view of Dartigues et al (6,366,929). The teachings of Deo have been

discussed above.

Re claim(s) 5 and 15, Deo fails to teach or fairly suggest the method step is resumed

prior to the waiting duration elapsing if interrupted.

Dartigues teaches a reader that utilizes unit numbers assigned to each operations as

well as flags and store these numbers and flags into a non-volatile memory so that when power

is restored from failure, the program is resumed at the appropriate point where it left before the power was lost. See reference text:

> "More generally, when the reader executes an operation, identified by an operation number, belonging to a programme unit identified by a programme unit number, it can record systematically on a non-volatile memory the operation and programme unit numbers, as well as the flags so that when restoring power, the reader can locate the interruption quite easily and resume the programme at the appropriate point. "

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dartigues to the teachings of Deo.

One of ordinary skill in the art would be motivated incorporate Dartigues' teachings so that the combination Deo/Dartigues would allow the system to retrieve the delay and fail counters from non-volatile memory and resume the verification process, thereby minimizing the system vulnerability and avoiding hackers recycling the power/program that resets the delay counter and/or the fail counter after a failed attempt and thereby minimizing the waiting duration, thus making the guessed password easier to go through the system.

Allowable Subject Matter

6.   Claim 4, 9, 14 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Re claim(s) 4, Prior Art fails to disclose or fairly suggest a method detailed in claim 4, in which the wait duration being zero for a first predetermined number of failed verification attempts and said wait duration is greater than zero for a second number of failed verification attempts.

Re claim(s) 9, Prior Art fails to disclose or fairly suggest a method detailed in claim 9, in which the first counter is reset to the first initial value and the second counter is reset to a second initial value if the verification attempt succeeds; wherein each counter comprise values ranging between a second initial value and a credential blocking value.

Re claim(s) 14, Prior Art fails to disclose or fairly suggest a method detailed in independent claim 13; and a second counter being decremented when the first counter has reached the intermediate value and each time the verification that the entity requesting the service is the authorized entity for accessing the service fails, the second counter having values ranging between a second initial value and a credential blocking value.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: Bidan (US Pub. 2003/00057272), Schwier (US 6,402,026),

Downing et al. (US 5,963,647).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283.

The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Thien T Mai
Examiner
Art Unit 2876

TM

THIEN M. LE
PRIMARY EXAMINER